

**CITY OF ROCKVILLE HISTORIC DISTRICT COMMISSION-
STAFF REPORT**

**February 19, 2003
MEETING NO. 03-04**

APPLICATION: HDC2003-00284

DATE FILED: December 31, 2003; Time Extension filed 1/15/04

**APPLICANT/
OWNER:** Jerusalem Mt. Pleasant United Methodist Church
17-21 Wood Lane
Rockville, MD 20850

PROPERTY DESCRIPTION:

Jerusalem Mt. Pleasant United Methodist Church and its former parsonage face south on Wood Lane. Both are located within the West Montgomery Avenue local and National Register Historic Districts. The church was built c. 1858 (rebuilt 1892) and the parsonage was constructed in 1912. The parsonage is a rectangular frame and timber two-story vernacular structure with a slightly sloping flat roof. It was damaged by arson in February 1999. Since the fire, the building has been boarded up and repairs have not been made.

PREVIOUS ACTIONS AT THIS ADDRESS:

CAV2002-14464 Vacant structure in need of painting

HDC00-0154 Request to demolish parsonage

CAV2000-10598 Rats/bats harboring in building

CAV99-00243 Structure fire (2/16/99)

CAV95-02280 Exterior painting needed

REQUEST: The Applicant requests a Certificate of Approval to demolish Cordelia House, the former parsonage at 17 Wood Lane.



Cordelia House, former Jerusalem Mt. Pleasant United Methodist Church parsonage at 17 Wood Lane

1. Historic, archeological, or architectural value and significance of the site or structure and its relationship to the historic, archeological, or architectural significance of the surrounding area.

Rockville was an early center of Methodism in Montgomery County. Methodists first met in private homes with occasional visits from a “circuit rider” minister. The trustees of the Methodist Episcopal Church purchased lot 82 of the Original Town of Rockville in 1835 where “they may erect and build...thereon a house or place of worship”. They purchased a house at the corner of Wood Lane and N. Washington Street as a parsonage and interim place of worship in 1849. The Rockville Methodist Episcopal Church formally incorporated in 1852 and erected the church c. 1858.

A doctrinal dispute over slavery split the church in 1863 into northern and southern factions. The southern faction left and later built a new church on the block between Commerce Lane and Jefferson Street. The non-slavery Methodists kept the original site and building and it became a predominantly black congregation. It was renamed Jerusalem Methodist Episcopal Church in 1881. The church was rebuilt and enlarged, using the same bricks from the original structure, in 1892.

To attract the best ministers, churches often built modern, convenient houses for them nearby, but according to a 1912 survey conducted by the Board of Missions of the Presbyterian Church, only six out of 40 churches for Negro Congregations in the County had their own, unshared, minister. Jerusalem was fortunate to have its own minister and a church-owned house for him and his family. Methodist minister Reverend James Cole led the congregation in cutting down trees and sawing them into lumber to build the parsonage at 17 Wood Lane in 1912. Reverend Cole was assigned to the Rockville circuit in 1923 and served Jerusalem and Mount Pleasant churches in addition to others. He died in 1926 while living at the parsonage. The building continuously served as a parsonage from 1912 until the 1990s. Before being damaged by arson in 1999, the building was used as a women’s day resource center and was called Cordelia’s House after the wife of a former pastor, Reverend Williams. It is the last remaining example of vernacular housing left in the urban renewal section of Rockville and the West Montgomery Avenue Historic District and a rare example in the county of a streetscape that includes both a historic church and its parsonage side by side.

As a result of expanding membership and the general prosperity of the time, the church was remodeled in 1954. The brick church and the original wood German siding on the parsonage were covered with stucco as part of the renovation work. Ten years later, the two lots at the rear of the church on Beall Avenue were purchased. The church merged with Mt. Pleasant United Methodist Church in 1989 to become Jerusalem Mt. Pleasant United Methodist Church.

2. The relationship of the exterior architectural features of the structure to the remainder of the entire structure and to the surrounding area.

The former parsonage retains its original form and detailing, with the exception of the stucco surfacing that was added over the original siding to both the church and the parsonage in the 1950s. It is characteristic of a small town vernacular dwelling.

3. *The general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used.*

Not applicable to this application.

4. *To any other factors, including aesthetic factors, which the Commission deems to be pertinent.*

Background

A historic area work permit application (HDC00-0154) requesting demolition for the parsonage building was submitted in February 2000 and a public hearing was held in March 2000. The building had been damaged by fire a year previously. Rockville fire inspectors reported the damage as mostly cosmetic but the fire marshal determined that the building was not suitable for habitation in its damaged condition and withdrew its occupancy permit. The insurance company assessed it as a total loss and is withholding approximately \$22,000 in proceeds until the building is either demolished, restored or rebuilt. The building has been boarded and unused since the fire.

Staff recommended denial of the application at the time because:

1. Demolition is to be a last resort
2. Efforts to re-use, repair or find alternatives to demolition had either not been made or followed through.

According to John Walker, member of the Board of Trustees at the time, preliminary plans were underway to move the women's resource center to another location and do some work on the interior to prepare it for use for Sunday school classes and other programs before it was fire damaged. However, the estimated costs to repair the fire damage and make the interior improvements were considered to be excessive and the Church felt that its resources would be better used to demolish the building and put the money toward other improvements. At the March 2000 HDC meeting, future expansion goals of the church were described to include adding a fellowship hall that could accommodate 150 to 200 people and handicap access and facilities. However, these plans were described by church representatives as very preliminary and funding sources had not yet been identified for an expansion.

The City hired an independent structural engineer to assess the structural integrity of the building and provide a cost estimate for repairs. The parsonage building was inspected by Mohammad Vatan of MGVS Consulting Structural Engineers, Inc. on May 2, 2000. The MGVS inspection report findings and recommendations were as follow:

“Part of the interior wall of the 1st, 2nd floors and roof framing are damaged by fire. This damage is local and has affected some structural members. Structurally these members could be replaced and framing is fixable.

Structural drawings and documents of this work should be prepared under supervision of a professional engineer. Our very rough estimate is that the fire damaged about 600 square feet of the floor framing and 400 square feet of the walls. To fix only the structural damaged part of the building could cost approximately \$30,000 to \$40,000. More accurate cost will be determined after construction drawings are done. We have also noticed that one of the brick piers* in the back of the building is tilted and has settled. We recommend that this pier and footing be replaced and/or repaired.”

** Staff note: the pier is for the side porch. The building sits on a brick perimeter foundation. It has no basement.*

The application for demolition was continued until further notice at the request of the applicant at the May 16, 2000 HDC meeting. Since then, members of the Board of Trustees met with HDC and planning staff on several occasions to discuss the church’s needs, rehabilitation of the former parsonage and future expansion plans. A \$5,000 grant was obtained from Preservation Maryland in 2002 to stabilize the building as a first step toward its rehabilitation and reuse. Other grants had been verbally committed previously, but were “minimal amounts” according to Church representatives and required façade easements which was not amenable to the Board of Trustees. In addition to seed money to help attract other donors, Peerless Rockville has offered assistance with fundraising, technical assistance, and help with grant applications.

A publicly advertised site visit to the building was held on February 7, 2004 and was attended by four members of the HDC, two members of HDC staff, Reverend Jane Wood and Jerusalem Mt. Pleasant United Methodist Church Board of Trustees Chair Rosetta Jackson.

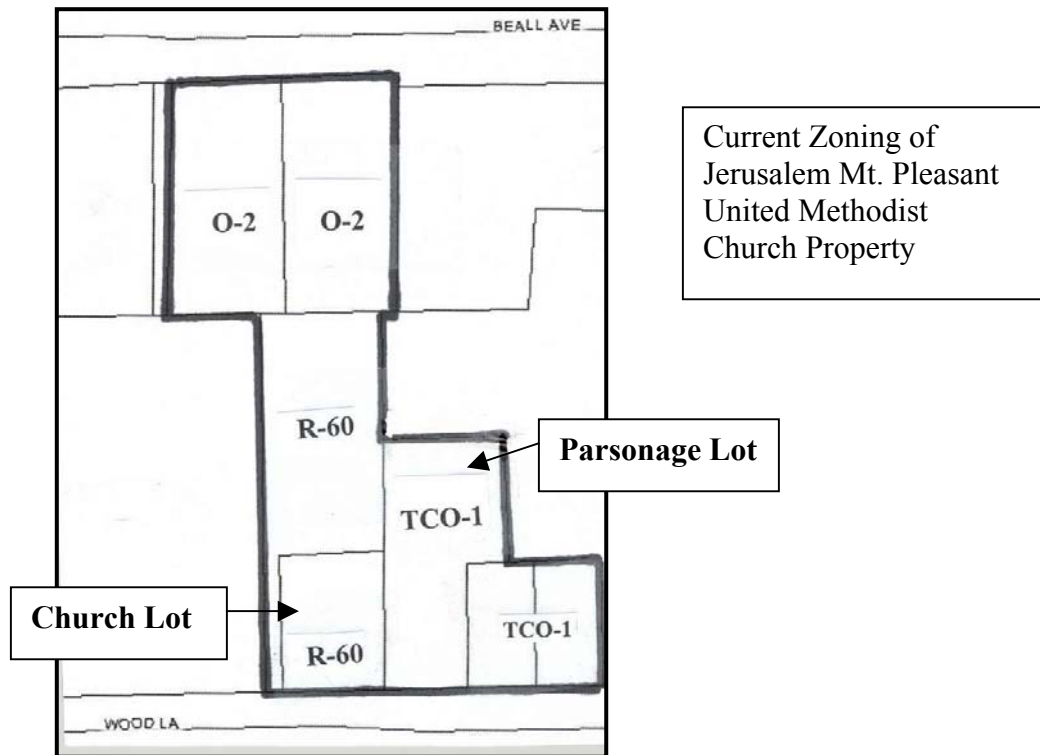
Zoning

The property currently consists of seven lots totaling 39,175 square feet (0.8994 acre). The lots are in three different zones. Two lots front Beall Avenue and are zoned O-2 (transitional office). The church and the lot immediately behind it are in the R-60 (single-family residential) zone. The parsonage and the two adjacent lots to the east are in the TCO-1 zone.

O-2 zoning provides a transition between commercial and residential uses by restricting the size of the buildings to a scale that approximates the residential zone on existing smaller lots. The development standards for the O-2 zone are a maximum lot coverage of 25%, minimum setbacks of 15 feet in the front, side, and rear, and a maximum building height of 35 feet.

The R-60 zone allows a maximum lot coverage of 35%, minimum setbacks of 25 feet in the front, 8 feet on the side (when abutting land), and 20 feet in the rear, and a maximum building height of 35 feet.

The TCO-1 zone allows a maximum lot coverage of 60% and a Floor Area Ratio (FAR) of 1.0. When abutting non-residential land, no setbacks are required but a minimum 10-foot setback is required if one is provided. No setbacks are required from the public right-of-way. A minimum lot size of 20,000 square feet is required.



The City-wide Master Plan recommended rezoning the seven adjoining lots that are owned by the Church to the O-2 zone. However, after the Master Plan was adopted, the O-2 zone was amended so that adjoining lots in the O-2 zone can not be assembled and redeveloped as one. This change would limit the ability of the church to expand its facilities in the future if the property was entirely in the O-2 zone. While other properties were rezoned as part of the map amendment process initiated by the Master Plan, rezoning of this property was deferred until optimal zoning can be determined.

The church and parsonage buildings are also in the West Montgomery Avenue Historic District (HD overlay zone) and part of the West Montgomery Avenue National Register Historic District. Therefore, the HDC has approval authority over new construction that may be proposed on the site should the structure be removed. The HDC has the authority to determine appropriate footprint, height, massing, materials and design of new construction in the historic districts within the parameters of the underlying zoning. On the other hand, historic designation does not preclude any use or appropriate additions or modifications to existing historic structures and county, state and federal tax credits are available to help defray rehabilitation costs.

It is possible to rezone the church property to allow greater flexibility for future development and expansion while retaining the historic structures. Depending on the ultimate zoning recommendation, a text amendment to amend certain provisions or development standards of the zoning also may be necessary to achieve the desired goals. An analysis of optimal zoning would need to be done, preferably once the church determines its expansion needs.

State Law Article 66 (B) 8.09 & 8.10– Zoning and Planning, State Historic Area Zoning Legislation

The relevant sections of State Code that guide the review of this request are:

8.09.

(a) If an application is submitted for construction, reconstruction or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the commission considers to be of unusual importance to the county or municipal corporation or unusual importance to the entire State or nation, the commission shall attempt with the owner of the structure to formulate an economically feasible plan for the preservation of the site or structure. Unless in these circumstances the commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic, archaeological, or architectural significance of the site or structure, the commission shall reject the application, filing a copy of its rejection with the building inspector by whatever name known of the county or municipal corporation.

(b) If an application is submitted for construction, reconstruction, or alteration, or for the moving or demolition of a site or structure that the commission considers to be of unusual importance and no economically feasible plan can be formulated, the commission shall have ninety days from the time it concludes that no economically feasible plan can be formulated to negotiate with the owner and other parties in an effort to find a means of preserving the site or structure.

8.10.

In the case of a site or structure considered to be valuable for its historic, archaeological or architectural significance, the commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the fact the changes come within the provisions of § 8.09 of this subtitle if:

- (1) the site or structure is a deterrent to a major improvement program which will be of substantial benefit to the county or municipal corporation;
- (2) retention of the site or structure would cause undue financial hardship to the owner; or

- (3) the retention of the site or structure would not be to the best interests of a majority of persons in the community.

General Interpretation of Section 8.10

Item number 1, "a major improvement program which will be of substantial benefit to the county or municipal corporation" is generally interpreted to be public facilities such as roads, bridges, schools, and so forth. Financial proof of the ability to complete the replacement project should be required. A demolition permit for a structurally sound or repairable historically designated building shall not be issued until replacement plans are approved by the commission and other reviewing agencies.

Item number 2, "undue financial hardship" criteria were established by the United States Supreme Court decision in *Penn Central Transportation Co. v. New York*. This decision is still considered to be the legal standard when considering if retention of a building is, in effect, a "taking" by the local government. In general, it is proper for the HDC to consider whether a structure can be put to a reasonable beneficial use if an application for demolition is denied. It is also proper for the HDC to consider whether a reasonable return can be attained in the use of an income producing building if an application for demolition is denied. Failure to attain maximum potential profit or use is not considered to be either a "taking" or a "hardship."

Item number 3, "retention would not be to the best interests of a majority of persons in the community." This standard is not precisely defined in the State Code, but is generally considered to be present if the structure poses an "imminent threat" to health or safety of the public. Other factors may apply on a case by case basis. Lack of maintenance that produces unsafe conditions, which can be remedied, is not considered an "imminent threat."

Information to be submitted with an application for demolition of a contributing Historic District structure

The following information, taken from the City of Rockville, Historic District Commission's Policy on Demolition Requests, has been requested from the applicant. It is not required information but, where applicable, would assist the HDC in decision-making, specifically in determining if the structure can be put to reasonable, beneficial use. As of February 13, 2004, this information has not been received.

- (1) Form of ownership of the property.
- (2) A report from an engineer licensed in the State of Maryland as to the structural soundness of the structure and its adaptability for rehabilitation. Any dangerous conditions should be identified. (If the building is structurally unsound and not repairable, then it is not reusable and the issue is moot.)

- (3) Cost of the proposed demolition or removal and an estimate of any additional costs that would be incurred to comply with standard conditions of approval such as documentation.
- (4) Fair market value of the property to be presented through an appraisal by a qualified professional expert. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
- (5) An itemized breakdown from a professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (6) Amount paid for the property, the date of purchase, identification of the seller(s), a description of the relationship, if any, between the owner of record or applicant and the person(s) from whom the property was purchased, and any items of financing between the seller and buyer. (Include the settlement sheet.) Remaining balance on any mortgage or other financing secured by property and annual debt service, if any, for the previous two years.
- (7) If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the past two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (8) Price asked and offers received, if any, within the previous two years. Most recent assessed value of the property and real estate taxes.
- (9) In addition, the HDC asked the applicant to address the provisions of Section 8.10 of Article 66(B), to provide a cost analysis that would explain why preservation is not feasible, and a design analysis explaining why preservation is impractical. Insurance information that indicates how the property and its structures are insured is also relevant in this case.

Alternatives to Demolition

Staff has conducted very preliminary research on alternatives to demolishing the parsonage but a brief summary is included here to acknowledge that options do exist and should be further explored.

- 1) Rehabilitate the parsonage structure and incorporate it into an overall expansion plan for the church. The possibility of assembling the 7 lots into one lot with one zone or with split zoning could allow greater density than exists with current zoning. Additions to historic buildings are generally encouraged to the rear. There is sufficient land area for expansion of the church to the rear. Parking and access could be provided from Beall Avenue. The topography slopes downward from the church toward Beall Avenue which may provide further options.
- 2) Lease the parsonage property to another user. If a lessee rehabilitates the former parsonage and has a long-term lease (39 years or longer to cover depreciation) on the property, the lessee could be eligible for substantial tax credits that would defray the

costs by up to 50%. The lessee could also add onto the building to increase the useable space. The amount of rent paid to the church could be the difference between the market rent for the zone and Town Center location and the money put into rehabilitation spread over the term of the lease. If a shorter term lease were sought, the church, as property owner, would still be eligible for county and state tax credits for rehabilitation (up to 30% of eligible costs).

- 3) Sell the three lots east of the church that are currently zoned TCO-1 for small office use. Potential purchasers include small law firms and similar office users. The proceeds could be applied toward future expansion and improvement of the church building. The new owner would be eligible for local and state tax credits for work done to stabilize and rehabilitate the parsonage and could add onto the rear of the building to enlarge the space. After five years of ownership, the owner would also be eligible for the federal tax credit if the property is income-producing. The church would retain the lots behind it for future expansion, access and parking. An appraisal and an analysis of optimal zoning for these lots are recommended to help determine the feasibility of this option.

STAFF RECOMMENDATION: Staff recommends that the HDC deny application HDC2003-00284 to demolish the former parsonage at 17 Wood Lane. Staff finds that the applicant does not meet the provisions for demolition approval as described in Sections 8.09 and 8.10 of Article 66(B) Zoning and Planning, State Historic Area Zoning Legislation. Specifically,

1. The structure is not a deterrent to a major improvement program which will be of substantial benefit to the county or municipal corporation;
2. Retention of the structure would not cause undue hardship to the owner as the applicant has not proven that the building can not be put to beneficial use; and
3. It has not been shown that retention of the building would not be to the best interests of a majority of persons in the community.

If the application for demolition is denied, the applicant may not submit the same or substantially the same application for a period of one year. As an alternative to denial, the HDC may choose to further defer the decision on this application if it determines that the applicant is willing and able to supply additional information that could have a material impact on the decision. Staff recommends that the City, HDC and staff continue to work with the applicant/property owner to find a viable solution to rehabilitate the structure and bring it back to use.

**CITY OF ROCKVILLE HISTORIC DISTRICT COMMISSION
ADDENDUM TO STAFF REPORT
HDC2003-00284**

**March 12, 2004
MEETING NO. 04-2004**

Written testimony and documents that were received before the record closed on March 11, 2004 are posted on the City's Internet website at:

www.rockvillemd.gov/government/commissions/hdc/2004/0404.htm.

The applicant has indicated that architectural plans will be submitted to staff on March 15, 2004 and requests that the record be reopened to receive them at the March 18, 2004 HDC meeting.

On February 19, 2004, the Historic District Commission (HDC) considered HDC2003-00284, an application to demolish the former parsonage building at 17 Wood Lane that is owned by the Trustees of Jerusalem-Mt. Pleasant United Methodist Church. This was a continuation of the public hearing opened on January 15, 2004 and the record remained open to receive information from the applicant and others. A staff report on the application was presented. The staff report was based upon information and comment received into the record by February 13, 2004.

At the February 19th meeting, letters, petitions, and other information was submitted and added to the record. The staff report prepared for the February 19 meeting did not consider this information or the verbal testimony presented at the meeting since it had not been available to staff prior to distribution to the HDC. Reverend Jane Wood, representing Jerusalem-Mt. Pleasant United Methodist Church, stated that some of the written information had been sent to the HDC's attention previously. However, staff and the HDC had not received or seen some of the documents.

A decision on the application was deferred to the March 18 meeting to allow the HDC an opportunity to review these materials and the record was held open until March 11 to allow the applicant time to submit further information if it so desires. The HDC requested that staff prepare an addendum to the existing staff report on the additional testimony and exhibits to the record.

This addendum to the Staff Report on HDC2003-00284 includes material submitted to the record by March 11, 2004. A number of submissions to the record by staff are documents concerning HDC2000-0154, a prior application in 2000-2001 by Jerusalem-Mt. Pleasant United Methodist Church for demolition of 17 Wood Lane. This application was recommended by staff for denial and was eventually withdrawn. This material has been referenced in the hearing on HDC2003-00084 and is included to fully inform all parties. Another item referenced in the hearing of February 19 was plans for an elevator to provide handicapped access to the sanctuary and additional restrooms prepared by CEM Design for the church. These plans are also posted in the record of this public hearing.

Testimony in Support of Demolition

The following people submitted written testimony in support of the application:

Carolyn Roush, 101 Nelson Street, Rockville
Rose Melton, 1913 Henry Road, Rockville
Sharyn R. Duffin, 710 Douglas Avenue, Rockville (via email)
Drs. Arthur Beau White and Phyllis B. Brandchaft, The Urban Health, Kensington
Karleton and Denise Jackson, 20637 Beaver Ridge Road, Gaithersburg
Irene S. Curry, 13 Welwyn Way, Rockville
Ella Smith, 104 North Street, Rockville
Jean M. Johnson, 900 N. Stonestreet Avenue, Rockville
Mansfield M. Kaseman, Community Ministries of Rockville, Inc., 114 W. Montgomery Ave.
Terry L. (McDonald) Roseby, 407 Sternwheeler Ct., Gaithersburg
Marcus Matthews, District Superintendent, Baltimore-Washington Conference of the United Methodist Church
Denise S. Isreal, Jerusalem Mt. Pleasant United Methodist Church Council Chairperson
Reverend Jane E. Wood, Jerusalem-Mt. Pleasant United Methodist Church (with COA application)

In addition, two petitions were submitted in support of the demolition; with 132 and 133 signatures, respectively, and were entered into the record at the February 19 HDC meeting. Other written testimony was submitted and is covered further in this report.

Verbal testimony was provided by eleven speakers at the February 19 HDC meeting. Those who spoke in support of the demolition application were: Reverend Jane Wood, Sheldon Higgins, Rev. C. Glen Taylor, Patricia Woodward, Rev. R. Kay Barger, Dianne Jones, Alwyn Taylor, Ruth Brown, Billy Gordon, James Baker, and Robin Prather. There were no speakers in opposition to demolition.

Testimony in Support of Demolition or Rehabilitation

John Berry, 40 Wood Lane, provided comments to staff via telephone on February 4, 2004. He would accept demolition but was not opposed to rehabilitation and reuse of the building as an alternative to demolition. He expressed a desire to have something happen with the boarded up building and wanted to know what will be done with the property if reused.

Testimony Against Demolition

Written testimony in support of retaining the structure and the Church's desire to grow was received from Peerless Rockville Historic Preservation, Ltd. Peerless Rockville reiterated its offer to assist the Church. The letter was signed by Eileen McGuckian, Executive Director and Suzanne Fisher, President.

Major points brought up in testimony in support of the demolition application and staff responses:

There has been new construction within Rockville's historic districts. New construction is allowed within the historic districts but must be reviewed and approved by the HDC. New construction that abuts a historic district is also reviewed by the HDC and HDC recommendations are forwarded to the City body responsible for the review and approval of the new development. The same process will be followed if Jerusalem-Mt. Pleasant United Methodist Church submits plans for new construction on its property located within and abutting the historic district.

The HDC approved demolition of other historic buildings. The Rockville HDC has not approved demolition of any principal contributing building located in a local historic district. Demolition of sheds and garages or other secondary accessory buildings has been permitted on a case-by-case basis.

Mt. Calvary Church: None of the Lincoln Park buildings owned by Mt. Calvary are or were in a designated historic district, therefore the HDC did not have the authority to approve or deny demolition. However, all buildings 50 years of age or older are routed to the historic preservation office if a demolition permit is requested. The Historic District Commission evaluates the property and makes a recommendation to the Mayor and Council if the property meets the criteria for historic designation. The HDC found that Johnny's Market at 620 North Horners Lane met the eligibility criteria and recommended designation. The Mayor and Council declined to file for rezoning the structure. This allowed a demolition permit to be issued. A house at 614 Horners Lane was less than 50 years of age, not identified with a master builder or architect, not identified with a person of significance within the community, and was therefore not reviewed for significance. A house at 602 Horners Lane was demolished in 2000 without HDC review. The Mayor and Council have final authority over designation and rezoning of properties to the HD (Historic District) Zone.

Chestnut Lodge site: The HDC has not received or approved any application for demolition of any structures within historic districts at Chestnut Lodge.

25 Wall Street: This house was severely damaged by fire and was condemned by the City on April 17, 1978 but it was not demolished. The property was subsequently sold and rehabilitation plans were filed with the HDC for approval in March of 1979. (HDC Certificate of Approval HD-39-79) It is now called the "Cinderella House" and was honored and featured by Better Homes and Gardens magazine in November 1986.

701 Grandin Avenue: This property was also damaged by fire. The new owners sought and received historic district status to financially aid them in restoring the house.

103 S. Adams Street- Rockville Academy Building: The 1890 Rockville Academy Building was deteriorated and overgrown with vegetation to the point that a demolition

by neglect citation was proposed. In 1980, Dr. and Mrs. Edward Halpern purchased the building and refurbished it and adapted it for use as office space.

WINX: The WINX Radio Building at Baltimore Road and Rt. 355 which was a resource in the B&O Railroad Historic National Register District but not included in the local historic district, was demolished after review by the HDC. It was not in a local historic district and had been severely altered. The HDC had no jurisdiction over the final approval of demolition for the building.

Retention of the parsonage will prohibit or restrict the ability of the church to expand its facilities and its ministry. Denial of the request for demolition does not mean that the Church cannot expand to fully meet its needs. Plans for expansion of the Church facilities and the request for demolition of the parsonage should be reviewed comprehensively so that demolition is considered only as a last resort after a thorough financial and architectural design analysis of all options. A substantial portion of the property is open and can be developed.

A parsonage is no longer needed on the site because the Church now has a parsonage off-site. The parsonage structure is not required to be put back in service as a residence. The interior of the structure, if rehabilitated, could function in a way that would be more beneficial to the Church's current and future needs. A new building can be constructed or an addition can be added to the rear to expand the building's square footage and increase its usefulness. It is also possible that the rehabilitated and/or enlarged building could also be connected to the Church.

Retaining the parsonage does not help the Church solve its handicap accessibility and code problems. These issues can be resolved with the parsonage in place. Design solutions have been proposed for these problems. (See 10/18/96 CEM architectural drawings). Other solutions that may be presented will be considered as well.

It would be cheaper to build a new structure than to incorporate the parsonage into expansion plans. There is insufficient evidence to support this. The Oak Grove Restoration estimate of slightly more than \$200,000 to restore the parsonage does not consider tax credit eligibility nor Smart Code design to possibly reduce expenses. If fully restored, the State historic preservation refund would be roughly \$40,000. However, according to testimony, this alone would not meet the needs of the Church. Interior renovations and an appropriate rear addition and/or new construction on the site can probably satisfy the Church's immediate needs. This alternative has not been fully evaluated because plans have not been submitted and the Church's building program has not been formally stated. A comparison of the costs of rehabilitation combined with an addition/new construction has not been submitted.

The parsonage is historic only because it is more than 50 years old. The Church and the parsonage are both contributing resources to the West Montgomery Avenue local and National Register Historic Districts. The building retains its original form and detailing with the exception of the stucco surfacing that was added over the original siding. It is characteristic of an early 20th Century small town vernacular dwelling and is the last remaining example of the old African-American community in Rockville's Town Center. It was built with donated rough-sawn lumber and constructed with the help of Church members. It is the only residential

structure in the West Montgomery Avenue Historic District that was built by African-American citizens for their own use. It is also a rare example in Montgomery County of a streetscape that includes both a historic church and parsonage side by side as was formerly customary. The parsonage was placed on Montgomery Preservation's list of most endangered historic sites in Montgomery County in 2000.

Previous Efforts

The HDC and staff have consistently agreed that the presence of this Church in downtown Rockville and its ability to grow according to its needs is very important to the City and to the people who are served by it. Staff and the HDC have attempted to find a solution that will help meet the Church's needs and preserve an important part of Rockville's history.

Accessibility to the sanctuary has long been a major obstacle for the Church because of the very steep steps. A certificate of approval application to build a ramp to increase handicap accessibility was submitted by the Church and reviewed by the HDC on June 18, 1996. The proposed ramp was located at the front and east elevations of the Church from grade to sanctuary level. The HDC approved the application at the June 18, 1996 meeting but the ramp was not installed.

Members of the HDC and planning staff met with Pastors Smalls and Blagmond and the Board of Trustees on several occasions between 1999 and 2003 to discuss ideas for both an expansion of facilities, improved accessibility, and rehabilitation of the parsonage. Following the parsonage fire in 1999, staff met with Rev. Smalls and the Board of Trustees and presented a summary of grants and loans available to the Church for preservation of the parsonage. (HDC Minutes 3/99).

A demolition application (HDC00-0154) for the parsonage was reviewed by the HDC on March 21, 2000. At that meeting, Commissioner Noble stated that the HDC wanted the Church to grow and prosper and that the HDC was looking for ways to accomplish both goals. At the June 20, 2000 HDC meeting, staff reported to the HDC that they and other planning staff had met with the Board and were making progress in this direction (HDC minutes 6/20/00).

Subsequent discussions between staff and the Board included ideas for adding onto the rear of the parsonage and possibly connecting it to the Church building, addressing handicap accessibility, providing adequate parking to meet the zoning requirements of the enlarged Church, providing access from Beall Avenue, and rehabilitating the parsonage. The Church has four lots that are vacant out of the seven lots that comprise the Church property, which increases the available options. Re-subdivision of the property and zoning options were also discussed and optimal zoning that would best accommodate the Church's needs was included as a recommendation in the adopted Citywide Master Plan in 2002.

A round table discussion with staff, the HDC, and the Board was held at the March 19, 2002 HDC meeting where options were further discussed and the steps to move forward were

identified. Grants and opportunities for tax credits refunds for non-profit organizations were also discussed.

Following this meeting, staff contacted a local land planner and requested pro bono preliminary site plan advice for the Church in preparation for re-subdivision and re-zoning of the property. The professional site planner was amenable to helping the Church.

Staff agreed to do a survey search, make copies of plats, and provide additional administrative assistance to reduce costs to the Church.

On October 29, 2002, at the Church's request, staff sent a letter to the Hartford Mutual Insurance Companies in reference to the fire damage claim explaining the City's process for rezoning and reviewing the Church's development plans, and stating that the historic preservation office had been working with the Church to complete the work necessary to retrieve the insurance holdback.

In addition to the 1996 offer to prepare architectural plans for improving accessibility to the sanctuary, Craig Moloney, HDC Commissioner and architect, later offered preliminary architectural guidance on options for expansion and incorporation of the parsonage to the Church at no charge and stated that he would recuse himself from further decision-making if the offer was accepted.

HDC staff and members of the Board met with Elise Butler, Program Director at Preservation Maryland in 2002, to explore possibilities for grant funds. Staff prepared a grant application to Preservation Maryland that was signed by Jerusalem-Mt. Pleasant Trustee Chair Rosetta Jackson on April 12, 2002. The Church was approved for the maximum \$5,000 grant award for stabilization of the parsonage in June 2002. The Church was required to outlay the funds for the work and then be reimbursed. The Church did not spend the money or commence the work; therefore, the grant funds were not disbursed.

Other sources for grants were identified by staff and the HDC, including Partners for Sacred Places and Inspired Partnerships which each provide technical and fund raising assistance for religious institutions, as well as grants from the National Trust for Historic Preservation, the Maryland Historical Trust, The Maryland Humanities Council, and the Save America's Treasures program.

Peerless Rockville has offered grants to the Church to assist with handicapped accessibility requirements and to help stabilize and rehabilitate the parsonage. Peerless has also offered technical and fundraising assistance. The grants and other assistance continue to be available.

On February 25, 2004, staff met with Reverend Wood and offered to meet with the members of the Church after services to answer questions. Staff also offered to have additional meetings with Reverend Wood to discuss alternatives to demolition that may meet the Church's space needs. Neither of these offers was accepted.

Information Requested of Applicant

Below is a summary of the information that the HDC and staff has asked the applicant to provide and what had been received when the record closed on March 11, 2004. The basis of this request is the City of Rockville Historic District Commission Policy on Demolition Requests (attached). This policy is based on State Law and the Maryland Association of Historic District Commissions (MAHDC) Handbook section on demolition, and the Demolition Application Procedures for the Baltimore City Commission for Historical and Architectural Preservation, which is an appendix in the MAHDC Handbook. The requested information is an important aid to the Commission's decision-making, particularly in determining substantial financial hardship and whether or not a structure can be put back into reasonable beneficial use.

(1) Form of ownership of the property.

According to the Maryland Department of Assessments and Taxation data, the property is owned by Jerusalem-Methodist Episcopal Church of Montgomery County or, alternately, The Board of Trustees of Jerusalem-Mt. Pleasant United Methodist Church. This is sufficient to show ownership.

(2) A report from an engineer licensed in the State of Maryland as to the structural soundness of the structure and its adaptability for rehabilitation. Any dangerous conditions should be identified. (If the building is structurally unsound and not repairable, then it is not reusable and the issue is moot.)

The applicant entered a letter from Essex Construction, Oxon Hill, Maryland into the record at the February 19 meeting. The letter was signed by Roger R. Blunt, P.E. and stated that after his examination of the building, he concluded that it cannot be restored using its present wood framing or its interior and exterior finish materials. Mr. Blunt recommended demolition of the building because of the damage and stated that the building is uninhabitable and poses a safety hazard. He also stated that Essex Construction has no interest in responding to a request for a proposal to restore any part of the building.

Hank Handler, owner of Oak Grove Restoration, provided the church with an itemized list of work and associated costs in excess of \$211,000 to fully restore the interior and exterior of the building. The estimate does not take into consideration the 20% refund that would be provided by the state for the rehabilitation or the possibility of incorporating the structure into the Church's expansion plans in which case considerable construction cost overlap could be expected. Staff spoke with Mr. Handler on March 5, 2004 and he confirmed that restoration of the building is feasible and that the fire damage does not extend throughout the building. He also noted that there is a roof leak that has not been repaired and which can cause considerable further damage.

In May 2000, the City of Rockville hired MGV Consulting Structural Engineers to inspect the building and to report on its structural condition, feasibility for reuse, and estimated costs to repair fire damage. The report indicated that the building did not sustain irreparable structural damage. The report maintained that the structural damage could be repaired and repairs were roughly estimated at \$30,000 to \$40,000. No dangerous conditions were specifically cited, but

the building was not habitable due to the lack of utilities and fire damage. This report did not address adaptability to rehabilitation.

In sum, the three reports are not comparable in their scope and differ widely in their conclusions. Two of the three indicate that rehabilitation of the parsonage is feasible, but one estimate is for complete restoration and includes work that would not be required by the HDC and the other is limited to structural repairs and is not a current assessment. Insurance has already covered a loss of approximately \$111,000. Approximately \$22,000 of the insurance proceeds has been withheld until the building is renovated or demolished.

(3) Cost of the proposed demolition or removal and an estimate of any additional costs that would be incurred to comply with standard conditions of approval such as documentation.

This information has not been provided.

(4) Fair market value of the property to be presented through an appraisal by a qualified professional expert. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.

Reverend Wood quoted a May 9, 2003 appraisal of the entire property that she stated valued it at \$960,000. She said that the appraisal did not include the parsonage because it was gutted, requires extensive renovations, and was deemed uninhabitable. The appraisal document was not entered into the record. Reverend Wood stated that the insurance company had placed a value of \$107,696 on the parsonage prior to the fire and that the damage was assessed at \$111,923.

(5) An itemized breakdown from a professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

The applicant provided an itemized breakdown from Oak Grove Restoration of estimated costs to restore the parsonage building in a two-phase full restoration of the interior and exterior, which was estimated to cost approximately \$211,000. (This was described as an estimate for replication at the meeting, but the written document provides estimates for rehabilitation/restoration.) However, this estimate goes much further than merely restoring the building for safe reuse and includes costs that may not be necessary (such as removing the stucco exterior and restoring the original wood siding), especially if the applicant were to incorporate the restoration into an expansion to serve as additional Church facilities.

(6) Amount paid for the property, the date of purchase, identification of the seller(s), a description of the relationship, if any, between the owner of record or applicant and the person(s) from whom the property was purchased, and any items of financing between the seller and buyer. (Include the settlement sheet.) Remaining balance on any mortgage or other financing secured by property and annual debt service, if any, for the previous two years.

A deed for the sale of the lot that the parsonage is on was provided to staff. The deed indicates that the parsonage lot, Original Lot number Thirty One (31), was purchased by the Board of Trustees of Jerusalem Methodist Episcopal Church of Montgomery County on July 2, 1907 for the sum of \$75. No information on any outstanding mortgages or financing on the Church's property has been received by staff.

(7) If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the past two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

The property is not income producing.

(8) Price asked and offers received, if any, within the previous two years. Most recent assessed value of the property and real estate taxes.

The applicant has told staff that there have been no attempts to sell the parsonage and no offers to purchase the property have been received within the past two years. The Church does not pay property or real estate taxes. Assessed values for each of the Church parcels is not clear from the Maryland State Department of Assessments and Taxation web pages and would require further research.

(9) In addition, the HDC asked the applicant to:

- Address the provisions of Section 8.10 of Article 66(B),*
- Provide a cost analysis that would explain why preservation is not feasible.*
- Provide a design analysis explaining why preservation is impractical.*

The provisions of Section 8.10 are:

- (3) the site or structure is a deterrent to a major improvement program which will be of substantial benefit to the county or municipal corporation;

A "major improvement program which will be of substantial benefit to the county or municipal corporation" is generally held to be a project with public purpose such as a road, bridge, library, or school. In addition, no evidence of a major improvement program has been submitted. Staff acknowledges that it is clear from testimony and from discussions with the current and previous pastors and the Board of Trustees that an expansion of Church facilities is under consideration.

A cost analysis that would explain why preservation is not feasible and design proposals showing why preservation of the parsonage would render expansion of the facilities impossible has not been received by staff.

As noted in the *City of Rockville Historic District Commission Policy on Demolition Requests*, financial proof of the ability to complete a project that would replace the parsonage is required prior to approval of demolition. "A demolition permit for a

structurally sound or repairable historically designated building shall not be issued until replacement plans have also been approved by the commission and other reviewing agencies.”

- (4) retention of the site or structure would cause undue financial hardship to the owner.

The applicant has not shown how retention of the parsonage or incorporation of it into an expansion plan would cause undue financial hardship. The fact that repair or restoration may be more expensive than demolition and replacement is not the sole criteria to determine financial hardship.

- (3) the retention of the site or structure would not be to the best interests of a majority of persons in the community.

A speaker in support of the demolition on February 19 requested a definition of “community” in this context, noting that a majority of the members of the Church and many others felt preservation would not be to the best interests of the Church (community.) Cases suggested for review by the Maryland Historical Trust have not dealt with this definition. Since the state law was written to apply to all historic structures, the Church community may not be as broad of a community as was intended. Staff will continue to attempt to find a definitive answer. The continued historic presence of the parsonage would not be in opposition to the best interests of a majority of persons in the community if the Church is also able to meet its needs.

Conclusions and Recommendations

After a review of the information available in the public record and relevant laws, policies and guidelines as discussed above, staff finds:

- The former parsonage at 17 Wood Lane is a valuable historic resource within the local and National Register West Montgomery Avenue Historic Districts.
- The HDC and staff have encouraged and supported the Church’s desire to expand its facilities in downtown Rockville and has worked with the Board of Trustees extensively toward reaching this goal. This goal, and that of rehabilitating and reusing the parsonage, are not mutually exclusive.
- There is insufficient evidence to support that retention of the building would cause undue financial hardship to the Church.
- There is insufficient evidence to support the claim that retention of the building would be a deterrent to a major improvement program that would be a substantial benefit to the City or County.
- There is insufficient evidence to support the claim that retention of the building would not be to the best interests of a majority of persons in the community.
- There is evidence in the record that community and statewide non-profit organizations are willing to support and assist the church in achieving its goal for additional space to conduct its ministry while keeping the presence of the parsonage building in the historic district.

- Staff remains willing and available to continue to work with Jerusalem-Mt. Pleasant United Methodist Church to address zoning, development issues, and preservation/restoration of the parsonage and the Church.

Staff has been notified by Reverend Wood that architectural plans for expansion of the Church will be available on March 15, after the record has closed and the staff report addendum prepared. The plans can not be entered into the record or considered in the decision unless the HDC votes to reopen the record on March 18. Given the potential importance and complexity of the architectural plans, it would be appropriate to leave the record open to allow for staff review and additional public comment on the proposed plan. This can only be done if the applicant authorizes a deferral of the decision to further extend the mandatory 45-day review period.

The HDC has two options available:

1. Reopen the record to receive the plans and additional information, if the commission chooses to hear more individual testimony, and again defer the application with the concurrence of the applicant. This will allow staff and the HDC to review the plans and receive public comment on the new exhibits.
2. If a deferral is not desired by the applicant, the HDC may render a decision on the application based on State law and adopted policies for demolition.

Attachment: City of Rockville Historic District Commission Policy on Demolition Requests



City of Rockville Historic District Commission Review Procedures for Demolition Requests

Proposed Demolition of Designated Historic Sites

The City of Rockville has incorporated Sections 8.01 through 8.15 of Article 66B of the Code of Maryland to regulate the historic preservation program, the Historic District Commission (HDC), and historic districts. Demolition is specifically addressed in Section 8.09 and 8.10, included below. General interpretation of the State Code and a list of information required by the HDC to consider a request for demolition is included after the Code.

Proposed Demolition of Undesignated but Potentially Eligible Sites

The Environmental Guidelines for the City of Rockville address demolition of non-designated but potentially eligible sites. Staff and/or the HDC must review the site for significance when development or redevelopment proposes removal or substantial alteration of historic structures or potentially historic sites. A site is considered eligible for historic review if it is 50 years old or older, or is listed in the 1987 Rockville Historic Buildings Catalog, or appears to possess archeological, architectural, cultural or historic qualities that render it significant to the City of Rockville. Eligibility for historic designation is determined through research and evaluation of significance by the Historic District Commission. If determined to be eligible for historic designation, it will be referred to the Mayor and Council for consideration of historic designation.

PROPOSED DEMOLITION OF CONTRIBUTING HISTORIC DISTRICT STRUCTURES

ARTICLE 66B of the Code of Maryland

Section 8.09.

(a) If an application is submitted for construction, reconstruction or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the commission considers to be of unusual importance to the county or municipal corporation or unusual importance to the entire State or nation, the commission shall attempt with the owner of the structure to formulate an economically feasible plan for the preservation of the site or structure. Unless in these circumstances the commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic, archaeological, or architectural significance of the site or structure, the commission shall reject the application, filing a copy of its rejection with the building inspector by whatever name known of the county or municipal corporation.

(b) If an application is submitted for construction, reconstruction, or alteration, or for the moving or demolition of a site or structure that the commission considers to be of unusual importance and no economically feasible plan can be formulated, the commission shall have ninety days from the time it concludes that no economically feasible plan can be formulated to negotiate with the owner and other parties in an effort to find a means of preserving the site or structure.

Section 8.10.

In the case of a site or structure considered to be valuable for its historic, archaeological or architectural significance, the commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the fact the changes come within the provisions of Section 8.09 of this subtitle if:

- (1) the site or structure is a deterrent to a major improvement program which will be of substantial benefit to the county or municipal corporation;
- (2) retention of the site or structure would cause undue financial hardship to the owner; or
- (3) the retention of the site or structure would not be to the best interests of a majority of persons in the community.”

General Interpretation of Section 8.10

Item number 1, "a major improvement program which will be of substantial benefit to the county or municipal corporation" is generally interpreted to be public facilities such as roads, bridges, schools, and so forth. Financial proof of the ability to complete the replacement project should be required. A demolition permit for a structurally sound or repairable historically designated building shall not be issued until replacement plans are approved by the commission and other reviewing agencies.

Item number 2, "undue financial hardship" criteria were established by the United States Supreme Court decision in *Penn Central Transportation Co. v. New York*. This decision is still considered to be the legal standard when considering if retention of a building is, in effect, a "taking" by the local government. In general, it is proper for the HDC to consider whether a structure can be put to a reasonable beneficial use if an application for demolition is denied. It is also proper for the HDC to consider whether a reasonable return can be attained in the use of an income producing building if an application for demolition is denied. Failure to attain maximum potential profit or use is not considered to be either a "taking" or a "hardship."

Item number 3 – “retention would not be to the best interests of a majority of persons in the community.” This standard is not precisely defined in the State Code, but is generally considered to be present if the structure poses an “imminent threat” to health or safety of the public. Other factors may apply on a case by case basis. Lack of maintenance that produces unsafe conditions, which can be remedied, are not considered an “imminent threat.”

INFORMATION TO BE SUBMITTED WITH AN APPLICATION FOR DEMOLITION OF A
CONTRIBUTING HISTORIC DISTRICT STRUCTURE

Consideration of a permit to demolish will be based on the following information, which must be submitted before the application is considered.

- (1) Form of ownership of the property.
- (2) A report from an engineer licensed in the State of Maryland as to the structural soundness of the structure and its adaptability for rehabilitation. Any dangerous conditions should be identified.
(If the building is structurally unsound and not repairable, then it is not reusable and the issue is moot.)
- (3) Cost of the proposed demolition or removal and an estimate of any additional costs that would be incurred to comply with standard conditions of approval such as documentation.
- (4) Fair market value of the property to be presented through an appraisal by a qualified professional expert. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
- (5) An itemized breakdown from a professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (6) Amount paid for the property, the date of purchase, identification of the seller(s), a description of the relationship, if any, between the owner of record or applicant and the person(s) from whom the property was purchased, and any items of financing between the seller and buyer. (Include the settlement sheet.) Remaining balance on any mortgage or other financing secured by property and annual debt service, if any, for the previous two years.
- (7) If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the past two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (8) Price asked and offers received, if any, within the previous two years. Most recent assessed value of the property and real estate taxes.
- (9) The commission may request other information specific to the project.

Should the applicant for demolition of a contributing structure satisfy the commission that substantial hardship would be suffered if a demolition permit is not granted and the demolition of the structure in question is without substantial detriment to the public welfare, a Certificate of Approval shall be issued. A condition of approval may be attached requiring the owner to document the building or site. Documentation may include measured drawings, interior plans, and photographs. If the applicant fails to demonstrate substantial hardship, the commission shall deny the application and set forth its reasons for doing so in writing.

In cases involving proposed new construction, the new design shall not be considered until a determination has been made by the commission regarding hardship. Unless conditions that imminently threaten health or safety exist in the structure, a Certificate of Approval for the demolition shall not be issued until replacement plans are approved by the commission and other reviewing agencies. Financial proof of the ability to complete the replacement project, including but not limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution should be submitted. All plans for new construction will be evaluated for their compatibility with architectural style, general design, arrangement, texture, material and color of the exterior architectural features of other structures in the immediate neighborhood. Both concept and final plans should be submitted.

If the application for demolition is denied, the applicant may not submit the same or substantially the same application for a period of one year. Any appeal of a Historic District Commission decision is filed with the circuit court.

PROPOSED DEMOLITION OF STRUCTURES THAT MAY BE ELIGIBLE FOR HISTORIC DESIGNATION

ALL STRUCTURES 50 YEARS OLD OR OLDER MUST BE REVIEWED

The City's Adopted Environmental Guidelines state that, "As a general guide, any structure older than 50 years of age or possessing architectural significance, or a site associated with a person or event of importance to local, state, or national history or development, should be examined to determine significance."

The "Guidelines for Development" section states that any existing or potential historical, cultural or archaeological resources identified in a pre-submission meeting with staff shall be referred to the Historic District Commission (HDC) and the Maryland Historical Trust, if necessary, for a review and recommendation of the property's significance to the City. If the property is not found to possess significance to the City, the review process is completed and demolition may proceed with the proper City permits.

If the property is found to possess significance to the City, it is referred to the Mayor and Council, which holds a public hearing and makes the final determination.

If the property is not designated and not rezoned as a historic district at the conclusion of the process, demolition may proceed.

If the property is designated and rezoned by the Mayor and Council, it is subject to the Sections 8.09 and 8.10 of Article 66B of the Code of Maryland and the policies and procedures for contributing structures in a historic district.